

## **REMARKS**

Responsive to the Non-Final Office Action on the merits mailed July 8, 2010, Applicants have studied the Examiner's comments. Claims 1-42 were pending. Claims 1-5, 10-11, 13-19, and 22-25 have been amended. Claims 27-42 have been cancelled without prejudice to filing a divisional application. New claims 43-58 have been added. Claims 1-26 and 43-58 remain in the application with only claims 1 and 48 being in independent form. In view of the following remarks, Applicants respectfully submit that the application is now in condition for allowance.

### **Restriction Requirement**

The Office Action required restriction of the claims to one of the following Groups:

- I. Claims 1-26, drawn to corporate travel reporting, classified in class 705, subclass 5.
- II. Claims 27-42, drawn to electronic exchanges, classified in class 705, subclass 5.

Applicants have elected to prosecute the claims 1-26 of Group I without traverse.

### **Claim Rejections – 35 U.S.C. § 101**

The Office rejected claims 1-26, stating the following:

Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-26 are directed to a “method” and therefore are considered process claims for the purposes of § 101. A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

“(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 (‘Transformation and reduction of an article ‘to a different state or thing’ is the clue to the patentability of a process claim that does not include particular machines.’); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process ‘transforming or reducing an article to a different state or thing’ constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n. 9 (‘An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a ‘different state or thing’); Cochrane v. Deener; 94 U.S. 780, 788 (1876) (‘A process is . . . an act, or a series of acts, performed upon the subject-

matter to be transformed and reduced to a different state or thing.’ A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article.” (*In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008)) Claims 1-26 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

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The Office rejected claims 1-26 as directed to non-statutory matter. Of the claims rejected, only claim 1 is in independent form.

In its July 8, 2010 non-final Office Action, the Office relied on the machine-or-transformation test as the sole test for deciding whether an invention is a § 101 patent-eligible process. However, on June 28, 2010 the U.S. Supreme Court decided *Bilski v. Kappos*, 561 U.S. \_\_\_\_ (2010). In *Bilski*, the Supreme Court held that the machine-or-transformation test is not the sole test for deciding whether an invention is a patent-eligible process, but rather is a useful tool to determine whether some claimed inventions are § 101 processes. Accordingly, *Bilski* changed the standard that should be used by the Office for § 101 rejections. Therefore, the § 101 rejections should be withdrawn.

Even if the machine-or-transformation test were the sole test for § 101 patentability, independent claim 1 has been amended to meet the test. Amended claim 1 recites a method in which particular steps are performed by a processor, which is a “machine or apparatus.” Moreover, electronic data received from multiple electronic sources is consolidated, analyzed, and selectively supplied, and is therefore “transformed into a different state or thing.” The basis for the amendments is in the specification as follows: “The consolidating computer system aggregates all electronic data from each data source, including corporate card providers, travel agency service providers, and ancillary travel services providers and presents the information in a variety of formats for instant analysis and complete end-to-end management of travel expenditures for the management team at the client company.” (¶ 22). “FIG. 4 depicts the parsing engine (4001) which takes the travel, card and other travel related data from disparate sources (1010, 1020) and then parses it into an integrated common data protocol.” (¶ 172).

Claims 2-26 depend from independent claim 1, which as discussed above should be allowable as amended. Therefore, rejected claims 1-26 are directed to statutory matter, and are in condition for allowance.

### **Claim Rejections – 35 U.S.C. § 112**

The Office rejected claims 2, 10-11, 13, and 17 stating the following:

Claims 2, 10-11, 13, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 recites the limitation, “having the suppliers operate with different travel and protocols . . .” the plain meaning of the limitation is unclear. For Examination purposes, the Examiner is interpreting having suppliers as meeting the limitations of the claim.

Claim 10 recites the limitation, "wherein said consolidating is done in real time, 'real time' meaning ‘as the transaction occurs.’ " The claim is generally narrative and indefinite, containing idiomatic errors and failing to conform with current U.S. practice. Appropriate Correction is required.

The term "easily manipulated" in claim 13 is a relative term which renders the claim indefinite. The term "easily manipulated" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For Examination, purposes, the Examiner is interpreting any type of manipulation as meeting the limitations of the claim.

Claim 17 recites the limitation "the travel budget planning" in lines 1. There is insufficient antecedent basis for this limitation in the claim.

Dependent claims inherit the same deficiencies through dependency and as such, are rejected for the same reasons.

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The Office rejected claims 2, 10-11, 13, and 17 as being indefinite. Of the claims rejected, none are in independent form.

Claims 2, 10-11, 13, and 17 have been amended to address the rejections, and are now in condition for allowance.

### **Claim Rejections – 35 U.S.C. § 102(b)**

The Office rejected claims 1-26, stating the following:

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Vance et al. U.S. Pre-Grant Publication No. 2006/0212321 A1.

As per Claim 1, Vance teaches consolidating the data from the sources (see para. 77); and supplying consolidated data relevant to at least some of the travelers, management and suppliers of the at least one of the business units (see para. 59); said supplying of data including supplying analysis of travel spending (see para. 59).

As per Claim 2, Vance teaches the method of claim 1 as described above. Vance further teaches having the suppliers operate with different travel and protocols wherein said consolidating and supplying occurs substantially simultaneously (see para. 14 and 16).

As per Claim 3, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying further includes data for travel issues (see para. 82).

As per Claim 4, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying further includes data for contract/audit issues (see para. 82).

As per Claim 5, Vance teaches the method of claim 1 as described above. Vance further teaches wherein consolidating from the sources include from one or more corporate card providers, travel agency service providers, and ancillary travel service providers (see para. 14, 16 and 37).

As per Claim 6, Vance teaches the method of claim 5 as described above. Vance further teaches wherein service providers include travel agency booking offices (see para. 37).

As per Claim 7, Vance teaches the method of claim 5 as described above. Vance further teaches wherein corporate card providers include corporate card data sources. Because corporate card providers are recited in the alternative in claim 5 above, the limitations of the claim have been met by para. 14, 16 and 37.

As per Claim 8, Vance teaches the method of claim 5 as described above. Vance further teaches wherein service providers include online booking sources (see para. 37).

As per Claim 9, Vance teaches the method of claim 5 as described above. Vance further teaches wherein ancillary travel services include at least one of ground transportation services, security specialists, and travel benchmarking information. Because ancillary travel services are recited in the alternative in claim 5 above, the limitations of the claim have been met by para. 14, 16 and 37.

As per Claim 10, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said consolidating is done in real time, "real time" meaning "as the transaction occurs." (see para. 62).

As per Claim 11, Vance teaches the method of claim 10 as described above. Vance further teaches wherein said supplying occurs on a real time basis (see para. 14, 16 and 62).

As per Claim 12, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying is performed through a display available to at least one of the business units (see Fig. 15E).

As per Claim 13, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying through a display is in easily manipulated formats (see Fig. 15E).

As per Claim 14, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying of consolidated data indicates the travelers who have deviated from the policy of the business unit (see para. 81).

As per Claim 15, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying of consolidated data highlights pricing errors (see para. 81).

As per Claim 16, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying of consolidated data indicates any traveler who has deviated from the planned itinerary of the traveler (see para. 80-82).

As per Claim 17, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying of consolidated data automates the travel budget planning (see para. 16 and 18).

As per Claim 18, Vance teaches the method of claim 17 as described above. Vance further teaches wherein said supplying of consolidated data identifies at least one of new destinations, pretravel approvals, policy exceptions of all travelers, real time tracking of expenditures, requirements for supplier contracts and analysis relative to the current travel, performance measurement, and individual information of a specific traveler (see para. 80 and Fig. 13).

As per Claim 19, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying is performed through one or more computer networks formed by at least one business unit and at least some of the travelers, management and suppliers (see para. 35-37).

As per Claim 20, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said step of supplying includes the step of sorting the data (see para. 53).

As per Claim 21, Vance teaches the method of claim 20 as described above. Vance further teaches wherein said step of supplying includes the step of aggregating the data (see para. 55-56).

As per Claim 22, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said step of supplying of the data includes determining rights to the data (see para. 48).

As per Claim 23, Vance teaches the method of claim 1 as described above. Vance further teaches wherein there is included the step of calculating real time metrics from the data (see para. 56).

As per Claim 24, Vance teaches the method of claim 1 as described above. Vance further teaches wherein there is further included the step of initiating transactions (see para. 47).

As per Claim 25, Vance teaches the method of claim 24 as described above. Vance further teaches wherein said initiating of transactions originates from a display unit used for said step of supplying consolidated data (see para. 61).

As per Claim 26, Vance teaches the method of claim 1 as described above. Vance further teaches wherein the suppliers include at least one of any GDSs, travel agencies, credit card companies, and alternate travel data sources (see para. 37).

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The Office rejected claims 1-26 under 35 U.S.C. 102(b) as being unpatentable over Pub. No. U.S. 2006/0212321 to Vance.

The '321 Vance patent publication is not prior art under 35 U.S.C. 102(b). Vance was published on September 21, 2006. The present application is a U.S. national stage entry from a PCT application filed on February 16, 2005, and has a priority claim to a U.S. provisional application filed on February 17, 2004. Therefore, the 102(b) rejection should be withdrawn.

However, even if the '321 Vance patent publication were a 102(b) reference, Vance does not disclose:

1. Receiving travel and credit card electronic data from multiple electronic data sources with a computer processor; consolidating the electronic data from the sources with the processor; and supplying the portion of consolidated data a user is entitled to receive with analysis of travel spending. (**See amended independent claim 1**). The support for the amendments is in the specification as follows: "The present invention comprises a travel and credit card data management system whereby each system user as a single customer utilizes a single computer terminal to view and analyze real time corporate travel and credit card data for multiple business units and multiple travelers. The system consolidates data flowing electronically from multiple electronic data sources and multiple suppliers." (§ 21). "The consolidating computer system aggregates all electronic data from each data source, including corporate card providers, travel agency services suppliers, and ancillary travel services providers and presents the information in a variety of formats for instant analysis and complete end-to-end management of travel expenditures . . ." (§ 22). "FIG. 4 depicts the parsing engine (4001) which takes the travel, card and other travel related data from disparate sources (1010, 1020) and then parses it into an integrated common data protocol." (§ 172).

The '321 Vance publication does not disclose (1) receiving credit card electronic data from multiple electronic data sources, (2) consolidating travel and credit card electronic data from multiple sources, or (3) analyzing the consolidated electronic data for travel spending. *See* Vance FIGS. 1 and 2 for the Vance system (no credit card electronic data from multiple sources). In the Vance system, "The system targets two of the most prevalent types of corporate trips, the simple 2-4 segment trips that include air, car and hotel accommodations as well as the common or repeat trip, estimated at 40%-70% of all corporate travel. The Travel Planning module interacts with locally stored traveler and corporate profiles in a relational database that function as filters against real-time CRS Data output to ensure the appropriate corporate vendor preferences are

displayed to and booked by the corporate traveler.” (¶’s 13-14; underlining added). Vance also does not propose integrating the consolidated travel and credit card data into a single protocol.

2. Wherein said sources include one or more corporate card providers or corporate card data sources. **(See dependent claims 5 and 7)**. The ‘321 Vance publication does not disclose using credit card electronic data from corporate card providers or multiple corporate card data sources. *See* Vance FIGS. 1 and 2 (no credit card providers).
3. Wherein said supplying is performed through one or more computer networks formed by at least some credit card companies. **(See dependent claim 19)**. The ‘321 Vance publication does not disclose supplying data through networks formed by at least some credit card companies. *See* Vance FIGS. 1 and 2 (no computer networks with credit card companies).
4. For use with credit card companies. **(See dependent claim 26)**. The ‘321 Vance publication does not disclose using its method with credit card companies. *See* Vance FIGS. 1 and 2 (no credit card companies).

Claims 2-26 depend from claim 1, which as discussed above should be allowable. The rejected claims 1-26 are not anticipated by Vance.

### **New Claims**

New claims 43-58, which are drawn to Group I of the Restriction Requirement, have been added to give Applicants the scope of coverage to which they are entitled.

### **CONCLUSION**

Applicants respectfully submit that all claims are now allowable, and that the case should be advanced to issuance.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and difference which Applicants’ attorney chooses to mention at this time.

Applicants respectfully submit that all issues have been adequately addressed, that all claims are allowable, and that the case should be advanced to issuance. If the Examiner has any



questions or wishes to discuss the claims or remarks, Applicants encourage the Examiner to call the undersigned at the telephone number indicated below.

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Respectfully submitted,



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